



**CITY OF SUNNYVALE
REPORT
Planning Commission**

June 26, 2006

SUBJECT: **2005-1097 - Cingular Wireless** [Applicant] **City of Sunnyvale** [Owner]: Application located at **834 Lakechime Drive** (Lakewood Park) in a P-F (Public Facility) Zoning District.

Motion Use Permit on a 9.6 acre site to allow a wireless antenna on a playing field light standard at the same height and to rebuild the snack stand to incorporate ancillary equipment.

REPORT IN BRIEF

Existing Site Conditions Lakewood Park

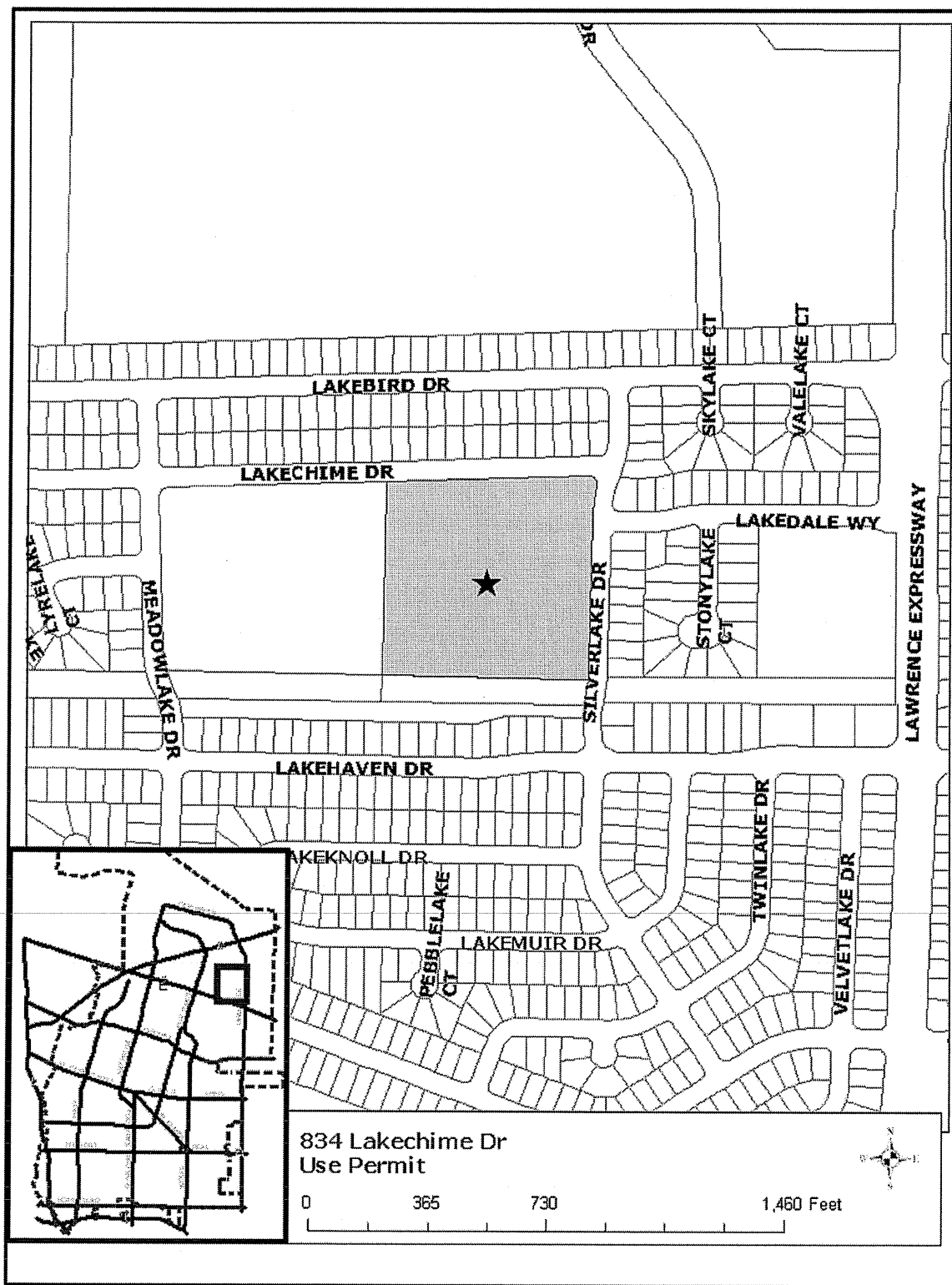
Surrounding Land Uses

North	Single-family residential
South	City park, baseball field
East	City park
West	Lakewood Elementary School

Issues Compatibility and visual impacts

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Park	Same	Park
Zoning District	PF	Same	PF
Lot Size	9.56 acres	Same	N/A
Snack Stand Gross Floor Area (s.f.)	Approx. 60 s.f.	256 s.f.	N/A
Light Pole Height (ft.)	56'-2"	Same	65'-0"
Antennas Height (ft.)	N/A	50'-0"	min.
Snack Stand Height (ft.)	8'-0"	12'-6"	30'-0" max.
Setbacks Facing Property)			
Snack Stand From Lakechime	115'	108'	20'-0" min.
Light Pole From Lakechime	185'	185'	20'-0" min.

ANALYSIS**Description of Proposed Project**

The project includes replacing an existing ball field lighting pole in Lakewood Park with a new pole and to install six antennas immediately below the lights at the top of the pole. The subject lighting pole is located at the ball field at the northwest corner of the park, adjacent to the school. The pole would need to be replaced in order to accommodate the additional load of the antennas and cables. The cables will run inside the pole.

The equipment for the telecommunications facility will be placed inside a proposed rebuilt snack stand near the ball field, adjacent to the basketball courts. The new snack stand will be larger than the existing building in order to allow one portion to be used as a snack stand, and the other side for the telecommunications equipment (see Photosimulations, Attachment F).

Background

On April 12, 2006, the Parks and Recreation Commission (PRC) considered the proposed use in the park. The PRC reviewed the proposal to determine if the use of the site by a non-park use would be consistent with the goals and policies of the Parks Department. Prior to the PRC hearing, several community outreach meetings were held by the City and the applicant. The concerns of those attending the meetings and hearing related to the snack stand use, possible future restrooms and possible health effects of the facility. The PRC also considered that the project would save the City \$50,000 in future infrastructure costs to rebuild the deteriorating snack stand. The PRC also considered the revenue that would benefit the Community Recreation Fund as a result of the long-term lease with the applicant. Based on all factors, the PRC recommended that the Planning Commission approve the project (Attachment G).

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

Use Permit

Use: The proposed freestanding telecommunications facility is intended to serve Cingular customers in the surrounding neighborhood. Due to the increased demand for service from residential customers, the facility would need to be located in this residential neighborhood (Coverage Maps, Attachment I).

Site Layout: The Lakewood Park site is used as a park for the community and the adjacent elementary school. There are several park-related facilities on site, including the ball field near Lakechime Drive. This ball field has lights for nighttime play. There are six similar light poles around the field, three on each side. The plans show the proposed antennas will be located on the middle light pole along the left field side of the ball field (Attachment D). The replaced light pole will be located approximately 185' from the property line and over 250' from the closest residence.

The coax cables will extend down inside the pole, and then go underground across the grass area and sidewalk to the rebuilt snack stand located between the ball field and basketball courts.

The snack stand will be rebuilt to accommodate the wireless equipment and the retail area. The applicant will rebuild the stand at their cost as part of the lease agreement. The telecommunication facility will be separated from the retail area by a wall.

Design: SMC Section 19.54.040(a) states that “based on potential aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted and free-standing tower”. The replaced lighting pole would be considered a free-standing tower, which is normally the least desirable design. There are many types of free-standing towers, including treepoles, flagpoles, monopoles and field lights. Of these types of poles, field lights tend to be the least intrusive because they usually replace existing field lights, so the introduction of this type of structure into a neighborhood is less significant.

SMC Section 19.54.040(p) states that “the facility shall not be readily visible to the nearest residentially-zoned property”. As mentioned earlier, the proposed replacement of an existing ball field light pole would be the least visible type of structure on the site. The pole will be placed in the same general location of the existing pole and would be the same height. The lights used to illuminate the field would be identical to those already present. In addition, the pole will be located over 250’ from the nearest residence, with other vertical elements (i.e. trees and poles) located in between.

Alternative Locations/Designs Considered: Due to the limited coverage area, low-scale of the buildings in and around the residential area, and the general residential character, the applicant had difficulty finding other suitable sites. Historically the City has not actively encouraged the placement of telecommunications facilities on park properties. The timing for doing so at this location was appropriate because it became apparent that these types of uses could be incorporated into parks without affecting their primary use, while also providing revenue to the City.

Ground Equipment: The existing snack stand is old and dilapidated. Rebuilding it to incorporate the telecommunication equipment results in a positive solution to two issues: First, the snack stand gets replaced without using City money; second, the equipment is well hidden from view and it’s placement does not interrupt the primary use of the park for recreation purposes.

The existing polygon snack stand is approximately 60 square feet in size and is used to sell snacks to the community while the park is used for different recreational events. The proposed snack stand would be enlarged to 256 square feet in size to allow for continued use as a snack stand, and to allow the telecommunications equipment to be located inside. The stand will be

constructed of split-block and will have a pitched roof. Its design will be compatible with the surrounding residential area.

Radio Frequency (RF) Emissions Exposure: The RF Emissions Report (Attachment H) includes information about the proposed radio frequency emissions of the facility. According to the report, the proposed facility will emit 2.25% of the maximum standard permitted by the FCC and is considered safe for inhabited areas. The FCC is the final authority on safety of telecommunications facilities. If the facility meets the FCC standards, the City is not permitted to make additional judgments on health and safety issues. The proposed application shall be considered on design and location criteria only.

To ensure the facility does not exceed federal guideline emission standards, staff recommends that the applicant take two readings of radio emissions: one before the facility is constructed (to take the ambient level of existing emissions), and one after the facility is constructed and operating at full capacity. These readings will be taken at locations determined by staff and submitted to the Director of Community Development in order to ensure the facility meets federal standards (Condition 1.J).

Parking/Circulation: The proposed facility requires only periodic service at the site. Most of the service can be done remotely and doesn't require a visit to the site. There will be no parking removed as part of the project. The service technician can park in the existing parking lot near the basketball courts when making a site visit.

Compliance with Development Standards/Guidelines: The project meets the criteria that free-standing telecommunications facilities not be readily visible to surrounding properties. Staff recommends the applicant uses the narrowest pole possible in order to best match the existing light poles on site (Condition 1.U).

Expected Impact on the Surroundings: The replaced light pole will have little impact to the surrounding properties, surrounding streets or users of the park. Any impact is reduced by replacing an existing ball field light pole with a new pole of equal height. Proposed noise and radio frequency emissions will meet applicable standards and no further impact is expected.

Fiscal Impact

Removal and replacement of the Lakewood Park snack stand building at the expense of Cingular Wireless will save the City \$50,000 in future infrastructure costs.

Establishing a long-term lease with the applicant for facilities will result in an on-going benefit to the Community Recreation Fund. While negotiation of such a lease is not completed, Parks staff anticipates an approximate \$2,000 or more a month in new revenue. These funds would help offset existing expenses in the provision of recreation services for Sunnyvale.

Public Contact

The applicant and Parks staff held 3 community meetings at different times in order to provide the community with every opportunity to voice their concerns. The notices were sent to residents and tenants up to 1000' from the site.

The Parks Department also held a noticed public hearing on April 12, 2006 to consider the request, during which several residents were present.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 120 notices mailed to the property owners and residents within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

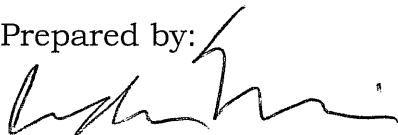
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1

Prepared by:



Andrew Miner
Project Planner

Reviewed by:



Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
 - B. Recommended Conditions of Approval
 - C. Negative Declaration
 - D. Site and Architectural Plans
 - E. Letter from the Applicant
 - F. Photosimulations
 - G. Parks and Recreation Commission Staff Report Dated April 12, 2006
 - H. RF Emissions Report
 - I. Cingular Coverage Maps
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Recommended Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunications facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards.
 - The new pole and project antennas are screened to match other existing ball field lighting poles on site.
 - The antennas have been designed to blend in with the existing structures so they are not readily visible from any major arterial streets.
 - The project is not visible from the Downtown Specific Plan area.
 - The proposed equipment will be located inside a rebuilt snack stand and will be screened from view.

Telecommunications Policy

Action Statement A.1.e- Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities and structures.

The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed antennas will be attached to ball field lighting poles and the appearance is minimized to reduce visual impact on surrounding properties.

Land Use and Transportation Sub-Element

N1.3. Promote an attractive and functional commercial environment.

N1.5 Establish and monitor standards for community appearance and property maintenance.

The project proposal uses existing infrastructure to add additional telecommunications service in the city. The location of the building and the design of the proposed antennas mitigate visual impacts in order to maintain community appearance.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District as the proposed antennas are located on a replaced ball field lighting pole and equipment

will be inside a rebuilt snack stand and will not create a significant visual impact to the Downtown area. The proposed project meets the visual standards established by the City for telecommunication facilities as it is designed to create the least possible aesthetic impact while using existing infrastructure.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at an administrative public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- E. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Commission.
- F. Every owner or operator of a wireless telecommunications facility shall renew the facility permit at least every five (5) years from the date of initial approval.
- G. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and Federal Aviation Agency.
- H. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
- I. The applicant shall submit to the Director of Community Development Radio Frequency Emissions at least two reports of

field measurements showing: 1.) The ambient level of RF emissions before construction of the facility and 2.) The actual level of emissions after the facility is in place and operating at or near full capacity. The measurements shall be taken at the top of the nearby bleachers, the nearby basketball courts, the school classrooms and at each property line.

- J. The owner or operator of any facility shall obtain and maintain current at all times a business license as issued by the city.
- K. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - 1.K.1.1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - 1.K.1.2. Name, address and telephone number of a local contact person for emergencies.
 - 1.K.1.3. Type of service provided.
- L. The owner or operator shall maintain, at all times, a sign mounted on the outside fence along Carlisle Way showing the operator name, site number and emergency contact telephone number.
- M. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- N. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB during daytime hours or 50 dB during nighttime

hours as measured at the property line. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights.

- O. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- P. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- Q. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants mean any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
- R. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.

- S. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.
- T. The field light pole shall be designed to the minimum diameter feasible. The applicant shall provide the final pole design to the Director of Community Development for review and approval prior to issuance of a Building Permit.
- U. The final pole location shall be approved by the Director of Community Development to ensure the location is consistent with the other lighting poles at the field. Any landscaping removed from existing pole shall be replaced and shown on a landscaped plan, which shall be approved by the Director of Community Development.
- V. The snack stand shall be designed to meet the Parks Department requirements for location and retail snack sales requirement.
- W. Cingular service vehicles shall park off Lakechime Drive at the nearby parking area.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.

3. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include planting around fence at base of equipment.
- B. Any trees or shrubs removed as part of this application must be replaced with similar type vegetation.

- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.

4. LIGHTING

- A. All exterior security lights shall be equipped with vandal resistant covers.
- B. Lights shall have shields to prevent glare onto adjacent residential properties.

5. SIGNS

- A. All new signs shall be in conformance with Sunnyvale Municipal Code